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In re Application of  
Matias Duarte  
Application No. 09/714,320  
Filed: November 15, 2000  
Attorney Docket Number: 04676.P004X  
Title: ADJUSTABLE DATA PROCESSING  
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AUG 14 2005

**OFFICE OF PETITIONS**

DECISION DISMISSING  
PETITION UNDER 37 C.F.R. §1.137(b)  
AS MOOT

This is a decision on the petition filed June 27, 2005, pursuant to 37 C.F.R. §1.137(b)<sup>1</sup>, to revive the above-identified application.

A non-final Office action was mailed on April 6, 2005, which set a shortened statutory period for reply of three (3) months and withdrew the finality of a final rejection which had been mailed on February 24, 2004.

This petition was filed along with an amendment, and both were received prior to the expiration of the three-month period set by the non-final Office action of April 6, 2005.

As such, the present petition under 37 C.F.R. §1.137(b) is hereby **DISMISSED AS MOOT**, as the instant application is not abandoned.

The petition fee will be refunded to Petitioner's Deposit Account, as authorized in the petition.

<sup>1</sup> A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



**Paul Shanoski  
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